

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

RADIATION DETECTOR HAVING IMPROVED ACCURACY

the specification of which (check one)

☐ is attached hereto.

☒ was filed on April 14, 1989 as
Application Serial No. 07/338,968 (if applicable).
and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

(Number) (Country) (Day/Month/Year filed)

☐ ☐
Yes No

(Number) (Country) (Day/Month/Year filed)

☐ ☐
Yes No

(Number) (Country) (Day/Month/Year filed)

☐ ☐
Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| <u>07/280,546</u> | <u>December 6, 1988</u> | <u>Pending</u> |
|--------------------------|-------------------------|---|
| (Application Serial No.) | (Filing date) | (Status, patented, pending, abandoned) |
| (Application Serial No.) | (Filing date) | (Status, patented, pending, abandoned) |

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states.

| | |
|------------------------|-------------------------|
| David E. Brook | Registration No. 22,592 |
| James M. Smith | Registration No. 28,043 |
| Leo R. Reynolds | Registration No. 20,884 |
| Giulio A. DeConti, Jr. | Registration No. 31,503 |
| Richard A. Wise | Registration No. 18,041 |
| Patricia Granahan | Registration No. 32,227 |
| Mary Lou Wakimura | Registration No. 31,804 |
| Thomas O. Hoover | Registration No. 32,470 |
| Paula A. Campbell | Registration No. 32,503 |

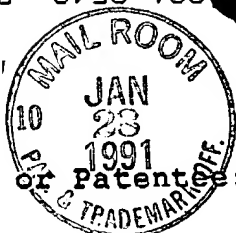
all of Hamilton, Brook, Smith and Reynolds, Two Militia Drive, Lexington, Massachusetts 02173;

and

Send correspondence to: James M. Smith, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive, Lexington, MA 02173

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EX87-01A



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17/646855

Applicant or Patentee: Francesco Pompei and Philip R. Gaudet, Jr.

Serial or Patent No.: 07/338,968 Attorney's Docket No.: EX87-01A

Filed or Issued: April 14, 1989

For: Radiation Detector Having Improved Accuracy

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN)

I hereby declare that I am

- [] the owner of the small business concern identified below:
[X] an official of the small business concern empowered to act on behalf
of the concern identified below:

NAME OF CONCERN Exergen Corporation

ADDRESS OF CONCERN 251 West Central Street

Natick, Massachusetts 01760

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Radiation Detector Having Improved Accuracy

by inventor(s) Francesco Pompei and Philip R. Gaudet, Jr.

described in

[] the specification filed herewith

[X] application serial no. 07/338,968, filed April 14, 1989

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Francesco PompeiTITLE OF PERSON OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING Exergen Corporation251 West Central Street, Natick, Massachusetts 01760SIGNATURE DATE 6/14/89

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Francesco Pompei
Inventor's Signature Francesco Pompei Date 8/2/89
Residence 62 Longfellow Road
Wellesley Hills, Massachusetts 02181
Citizenship U.S.A.
Post Office Address same

Full name of second joint inventor, if any Philip R. Gaudet, Jr.
Second Inventor's Signature Philip R. Gaudet Jr. Date 8/2/89
Residence 14 Deacon Haynes Road
Concord, Massachusetts 01742
Citizenship U.S.A.
Post Office Address same

Full name of third joint inventor, if any _____
Third Inventor's Signature _____ Date _____
Residence _____
Citizenship _____
Post Office Address _____

Full name of fourth joint inventor, if any _____
Fourth Inventor's Signature _____ Date _____
Residence _____
Citizenship _____
Post Office Address _____